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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,834	08/02/2000	Sumio Yuyama	894.1.008	8035

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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,834

Applicant(s)

YUYAMA, SUMIO

Examiner

Cristina O Sherr

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 13,21,22 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12,14-20 and 23-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

1. This communication is in response to Applicant's Amendment filed 25 August 2003 and received 12 September 2003. Claims 13 and 34 have been canceled. Claims 1 – 7, 11-12, 14, 20, 23-25, 27-28, and 30 have been amended. Claims 1-12 and 13-34 are pending in this case.

Response to Arguments

2. Applicant's arguments regarding claims 1, 14 and 27, have been examined, but are not persuasive. Examiner directs applicant's attention to Ray et al (US 6,018,722A), col 1 ln 55 – col 3 ln 34, for the selection of a real or virtual mode in which to assess the market to perform real time actual asset transactions, or perform virtual market transactions.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

4. A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Ray et al (US 6,018,722A).

6. Regarding claim 1 –

Ray discloses an asset management advice system comprising: a database storing purchase and sale signals relating to assets to be traded in a market; and a data

processing means for producing both a suitable investment scenario when user's property information is input from a user terminal via a prescribed communication mechanism, referring to the purchase and sale signals to send management advice data based on the investment scenario to the user terminal and performing an asset transaction in accordance with a response to the management advice data from the user terminal, wherein, the user can select either a real mode in which to access the market to perform real time actual asset transactions made by the data processing means or a virtual mode in which the transactions are performed without making an actual asset transaction, and the results are tracked using actual market results as if an actual transaction had been made in the market. (col 1 ln 55 – 60).

7. Regarding claim 2 –

Ray discloses an asset management advice system according to claim 1 wherein, data relating to prices, the amount of remains and the volume of trading of assets to be traded is utilized as parameters for the purchase and sale signals (col 1 ln 60-65).

8. Regarding claim 3 –

Ray discloses an asset management advice system according to claim 2 wherein, quantitative data relating to assets to be traded and their sources is also utilized as parameters for the purchase and sale signals (col 2 ln 1-7).

9. Regarding claim 4 –

Ray discloses an asset management advice system according to claim 2 wherein, qualitative data relating to assets to be traded and their sources is also utilized as parameters for the purchase and sale signals (col 2 ln 10-22).

10. Regarding claim 5 –

Ray discloses an asset management advice system according to claim 2 wherein, quantitative macro information data in the locations of sources and transaction regions of assets to be traded is also utilized as parameters for the purchase and sale signals (col 2 ln 20-31).

11. Regarding claim 6 –

Ray discloses an asset management advice system according to claim 2 wherein, qualitative macro information data in the locations of sources and transaction regions of assets to be traded is also utilized as parameters for the purchase and sale signals (col 2 ln 31-44).

12. Regarding claim 7 –

Ray discloses an asset management advice system according to claim 1 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to an asset recommended by the investment scenario and data constituting parameters for them to update the database (col 2 ln 40-65).

13. Regarding claim 8 –

Ray discloses an asset management advice system according to claim 1 wherein, the data processing means produces a plurality of investment scenarios with the different characteristics and produces management advice data based on one investment scenario of them in accordance with user's selection (col 2 ln 50-62).

14. Regarding claim 9 –

Ray discloses an asset management advice system according to claim 8 wherein, an animation character is set for each investment scenario and the character operates in accordance with the management advice data, to be an interface with the user (col 3 ln 1-11).

15. Regarding claim 10 –

Ray discloses an asset management advice system according to claim 9 wherein, the data processing means stores management performance records for a past prescribed period of each investment scenario and the management performance records together with the animation character are presented to the user (col 3 ln 5-15).

16. Regarding claim 11 –

Ray discloses an asset management advice system according to claim 8 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to an asset recommended in accordance with the characteristics of each scenario and data constituting parameters for them to update the database (col 3 ln 12-25).

17. Regarding claim 12 –

Ray discloses an asset management advice system according to claim 1 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to user's holding assets and data constituting parameters for them to update the database (col 3 ln 20-34).

18. Claims 14 – 20 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ray et al (US 6,018,722A).

19. Regarding claim 14 –

Ray discloses an asset management advice system comprising: a communication means for connection to a database storing purchase and sale signals relating to assets to be traded in a market; and a data processing means for producing a suitable investment scenario when a user's property information is inputted from a prescribed input means, referring to the purchase and sale signals to provide management advice data based on the investment scenario to the user and performing an asset transaction in accordance with user's response to the management advice data; the data processing means further producing a plurality of investment scenarios with different characteristics, and management advice data based on one of said investment scenarios selected by the user; and an animation character being set for each investment scenario, the character operates in accordance with the management advice data, to be an interface with the user (col 1 ln 55 – col 3 ln 34).

20. Regarding claim 15 –

Ray discloses an asset management advice system according to claim 14 wherein, data relating to prices, the amount of remains and the volume of trading of assets to be traded is utilized as parameters for the purchase and sale signals (col 1 ln 60-65).

21. Regarding claim 16 –

Ray discloses an asset management advice system according to claim 15 wherein, quantitative data relating to assets to be traded and their sources is also utilized as parameters for the purchase and sale signals (col 2 ln 1-7).

22. Regarding claim 17 –

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Ray discloses an asset management advice system according to claim 15 wherein, qualitative data relating to assets to be traded and their sources is also utilized as parameters for the purchase and sale signals (col 2 ln 10-24).

23. Regarding claim 18 –

Ray discloses an asset management advice system according to claim 15 wherein, quantitative macro information data in the locations of sources and transaction regions of assets to be traded is also utilized as parameters for the purchase and sale signals (col 2 ln 20-34).

24. Regarding claim 19 –

Ray discloses an asset management advice system according to claim 15 wherein, qualitative macro information data in the locations of sources and transaction regions of assets to be traded is also utilized as parameters for the purchase and sale signals (col 2 ln 12-24).

25. Regarding claim 20 –

Ray discloses an asset management advice system according to claim 14 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to an asset recommended by the investment scenario and data constituting parameters for them to update the database (col 2 ln 55 – 64).

26. Regarding claim 23 –

Ray discloses an asset management advice system according to claim 14 wherein, the data processing means stores management performance records for a past prescribed

period of each investment scenario, and the management performance records together with the animation character are presented to the user (col 3 ln 5-17).

27. Regarding claim 24 –

Ray discloses an asset management advice system according to claim 14 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to an asset recommended in accordance with the characteristics of each scenario, and data constituting parameters for them to update the database (col 3 12-24).

28. Regarding claim 25 –

Ray discloses an asset management advice system according to claim 14 wherein, the data processing means automatically collects data concerning the purchase and sale signals relating to the user's holding assets and data constituting parameters for them to update the database (col 3 ln 24-34).

29. Regarding claim 26 –

Ray discloses an asset management advice system according to claim 14 wherein, the user can select either real mode in which to access the market to perform actual asset transactions made by the data processing means in real time, or a virtual mode in which the asset transactions are performed virtually and with no access to the market (col 3 ln 20-32).

30. Claims 27 - 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ray et al (US 6,018,722A).

31. Regarding claim 27 –

Ray discloses a recording medium recording an asset management advice program that makes a data processing unit perform steps comprising: a scenario producing process of producing a suitable investment scenario when user's property information is provided as an input; a management advising process of referring to purchase and sale signals relating to an asset to be traded stored in a database to produce management advice data based on the investment scenario; and a trading process of performing an asset transaction in accordance with user's response to the management advice data, wherein in the trading process the user can select either a real mode in which to access the market to make actual transactions, or a virtual mode to make transactions virtually using actual market values at the time without making an actual asset transaction, and the results are tracked using actual market results as if an actual transaction had been made in the market (col 1 ln 55 – col 3 ln 34).

32. Regarding claim 28 –

Ray discloses a recording medium according to claim 27 wherein, the asset management advice program further comprises a process in which the data processing unit automatically collects data concerning the purchase and sale signals relating to an asset recommended by the investment scenario and data constituting parameters for them to update the database (col 1 ln 55 – 62).

33. Regarding claim 29 –

Ray discloses a recording medium according to claim 27 wherein, in the scenario producing process a plurality of investment scenarios with different characteristics are produced and the user selects one investment scenario therefrom (col 2 ln 2-18).

34. Regarding claim 30 –

Ray discloses a recording medium according to claim 29 wherein, in the scenario producing process an animation character is set for each investment scenario and in the management advising process the character operates in accordance with the management advice data, for providing an interface with the user (col 2 ln 30-44).

35. Regarding claim 31 –

Ray discloses a recording medium according to claim 30 wherein, the asset management advice program further comprises a process of storing management performance records for a past prescribed period of each investment scenario, and in the management advising process the management performance records together with the animation character are presented to the user (col 2 ln 35-52).

36. Regarding claim 32 –

Ray discloses a recording medium according to claim 29 wherein, the asset management advice program further comprises a process of automatically collecting data concerning the purchase and sale signals relating to an asset recommended in accordance with the characteristics of each scenario and data constituting parameters for them to update the database (col 3 ln 12-25).

37. Regarding claim 33 –

Ray discloses a recording medium according to claim 27 wherein, the asset management advice program further comprises a process of automatically collecting data concerning the purchase and sale signals relating to the user's holding assets and data constituting parameters for them to update the data base (col 3 ln 20-34).

38. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

39. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

41. Jones et al (US 6,021,397A) discloses a financial advisory system.

42. Atkins (US 5,852,811A) discloses a method for managing financial accounts by a preferred allocation of funds among accounts.

43. Morjan (US 6,430,542B1) discloses a computer-implemented program for financial planning and advice system.

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

46. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



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